

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: SAWDY, Michael Barry

SERIAL NO.: 10/533,933

ART UNIT: 3636

FILED: October 31, 2005

EXAMINER: Nelson Jr, M.

TITLE: VEHICLE FITTING

Amendment C: REMARKS

Previous Claims 49 - 68 remain in this case. Claims 1-48 were canceled in previous amendments. Reconsideration of the rejections, in light of the forgoing amendments and present remarks, is respectfully requested. The present amendments have been entered for the purpose of purpose of placing application into a proper condition for allowance.

In the Official Action, Claims 63 - 68 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Claims 49 - 68 were rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The drawings were objected to under 37 C.F.R. 35 § 1.83(a). The specification was also rejected to because of a numerical informality. Importantly, it was indicated that Claims 50 - 58 and 60 - 62 would be allowable if written to overcome the rejections under 35 U.S.C. § 112, second paragraph. Claims 49 and 59 would be allowable if rewritten or amended to overcome the formality objections under 35 U.S.C. § 112, second paragraph.

In reply to the Official Action, Applicant has revised the claim language herein so as to overcome the formality rejections. In particular, in independent Claim 49 it is now recited that the support frame has "a guide at a top thereof". The portion stating "said backrest having a guide at a

"top thereof" has been deleted from the claim. It is now indicated that the backrest is interconnected to the "seat back mounting" instead of the "support frame". As such, independent Claim 49 properly recites the limitations of the present invention and should be proper for overcoming the formality objections. Dependent Claims 50 - 58 have not been amended.

Independent Claim 59 has been amended so as to indicate that the backrest is "affixed to said seat back mounting" instead of "interconnected to said support frame". As such, the formality objection with respect to independent Claim 49 should be properly addressed herein. Dependent Claims 60 - 62 have not been amended.

New independent Claim 63 incorporates the "wheelchair" within the preamble of the claim by reciting that the present invention is a fitting assembly for a motor vehicle "for use with a wheelchair that has a pair of handles extending rearwardly of a back thereof". The portion independent Claim 63 referring to the backrest is being generally planar has been deleted herein. The "guide" is now recited as being at the top of the "seat back mounting". The portion reciting "said backrest having a guide at a top thereof" has been deleted in amended independent Claim 63.

Dependent Claim 64 has not been amended. Dependent Claim 65 has the portion "said guide comprising at least two guides as said top of said backrest" deleted therefrom. Dependent Claims 66 and 67 have not been amended. Dependent Claim 68 has been amended so as to remove the antecedent-lacking "said second torsion plate" so as to recite "and a second torsion plate".

The Specification has been amended so as to refer to the seat back mounting frame with the reference numeral "35". Paragraph [0057] has been amended so as to identify the mounting frame with reference numeral "35".

Based upon the foregoing analysis, Applicant contends that independent Claims 49, 59 and

63 are now in proper condition for allowance. Additionally, those claims which are dependent upon these independent claims should also be in condition for allowance. Reconsideration of the rejections and allowance of the claims at an early date is earnestly solicited. Since no new claims have been added above those originally paid for, no additional fee is required.

Respectfully submitted,

<hr/> <u>July 31, 2009</u> <hr/> Date Customer No. 24106	<hr/> <u>/Andrew W. Chu/</u> <hr/> John S. Egbert; Reg. No. 30,627 Andrew W. Chu; Reg. No. 46,625 Egbert Law Offices PLLC 412 Main Street, 7th Floor Houston, Texas 77002 (713)224-8080 (713)223-4873 fax
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